

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

JIMMY MARSHALL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
JO ANNE B. BARNHART,	)	
Commissioner of Social Security,	)	
	)	Civil Action No. 1:05-CV-060-C
Defendant.	)	ECF

**ORDER OF DISMISSAL**

**THIS MATTER** comes before the court on the Report and Recommendation filed September 1, 2006 (Doc. 28). Plaintiff filed objections to the Report and Recommendation on September 12, 2006 (Doc 29). The court has made a *de novo* determination of the Report and Recommendation after consideration of Plaintiff's objections, the submissions of the parties, and the transcript of the administrative proceedings.


The court finds the objections to be without merit. The court further finds that the ALJ applied the correct legal standards and that substantial evidence supports his decision. The court also finds that the Report and Recommendation applied the correct legal standards

**IT IS, THEREFORE, ORDERED** that the Report and Recommendation is adopted by the court.

**IT IS FURTHER ORDERED** that the decision of the Commissioner is affirmed and Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that a judgment in accordance with the terms of this order shall be entered forthwith.

DATED this 21st day of September, 2006.



SAM R. CUMMINGS  
UNITED STATES DISTRICT COURT